

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 18, 2003 at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Dan McGee, Vice Chairman (R)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. Ken (Kim) Hansen (D)
Sen. Dale Mahlum (R)
Sen. Trudi Schmidt (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jane Hayden, Committee Secretary
Mary Vandembosch, Legislative Branch
Rebecca Sattler, Transcription of Minutes

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Each hearing was recorded on a separate tape.

Committee Business Summary:

Hearing & Date Posted: HB 63, HB 465, HB 407, HB 129,
3/8/2003
Executive Action: HB 129, Be Concurred In;
HB 63, Be Concurred In;
HB 157, Be Concurred In As Amended;
HB 99, Indefinitely Postponed

HEARING ON HB 63

Sponsor: REP. DAVE KASTEN, HD 99, Brockway

Opening Statement by Sponsor:

REP. KASTEN explained the purpose and title of the bill, which is: "An act repealing the statutory designation of assets at Chief Plenty Coups State Park and Pictograph Cave State Park as priorities for preservation and funding." REP. KASTEN explained that those state parks have been sustained, and other parks could use the priority status now.

Proponents' Testimony:

Doug Monger, Administrator, Parks Division, Montana Fish, Wildlife, & Parks (FWP), read his written testimony in support of HB 63.

EXHIBIT(fis57a01)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. TROPILA asked how much money is committed contractually, and how much is committed philosophically. Doug Monger explained that it is all committed contractually, but none is expended.

Closing by Sponsor:

REP. KASTEN closed on HB 63, and urged the Committee's support of the bill. He said that there are other state parks that have needs that could be addressed.

SEN. BARKUS will carry this bill on the Senate floor.

{Tape: 1, HB 63; Side: A; Approx. Time Counter: 0 - 8.7}

HEARING ON HB 465

Sponsor: REP. PAUL CLARK, HD 72, Trout Creek

Opening Statement by Sponsor:

REP. CLARK distributed an informational packet on HB 465 and noxious weeds, which he presented in detail. He said that HB 465 is to prioritize what is important in the parks. He went over the good neighbor policy in current law. He stated that noxious weeds are a big issue. FWP hasn't maintained the parks as a priority, and aren't taking care of the maintenance.

EXHIBIT (fis57a02)

{Tape: 1, HB 465; Side: A; Approx. Time Counter: 0 - 13.1}

Proponents' Testimony:

Bob Raney, Montana State Parks Foundation, explained that they have been studying the FWP for 12 years. They have discovered that some places are fantastic, and other places are falling apart.

Wayne Hirst, Founder and President, Montana State Parks Foundation, said that this bill is simple: maintenance is needed in many parks. He stated that much of the money went to rebuild shower houses, when there is a lot of deferred maintenance to be done.

{Tape: 1, HB 465; Side: A; Approx. Time Counter: 13.1 - 17.2}

Opponents' Testimony:

Bob Gilbert, Executive Director, Walleye Unlimited, Montana, explained their concerns with the bill. He said that he lives in Region 6, and they do not have a state park. He stated that he is also the Vice President of Weed Control, and Line 30 talks about the eradication of noxious weeds in all state parks. He said that weed control is a good idea, but eradication is not possible.

Doug Monger, FWP, read his written testimony and included testimony from Trent Baker, President, Missoula Whitewater Association.

EXHIBIT (fis57a03)

EXHIBIT (fis57a04)

Byron Staley, expressed his opposition to HB 465.

Carol Swanson, Glendive resident, also opposes HB 465.

{Tape: 1, HB 465; Side: A; Approx. Time Counter: 17.2 - 29}

Darlyne Dascher, south of Fort Peck, former Commissioner of FWP, stated that she worked hard all 8 years as Commissioner for a state park in Region 6. This bill will not enable them to continue and get a state park.

Kathy Brown, Chairman, Governor's Tourism Advisory Council, stated their opposition, especially regarding the Lewis and Clark Bicentennial coming up that will bring in more tourists.

Curtis Spendler, Missoula Businessman, also thinks Montana needs to "put on a good show" for the Bicentennial.

{Tape: 1, HB 465; Side: B; Approx. Time Counter: 0 - 7.5}

Informational Testimony:

Greg Ames, Administrator, Agricultural Sciences Division, Montana Department of Agriculture, had a comment regarding the term "eradication." He stated that small weed infestations should be targeted for eradication, but established weed infestations need a long-term measure that emphasizes containment and control.

Questions from Committee Members and Responses:

SEN. TASH asked if the weed plan is only for the state parks.

Doug Monger answered that it is state park specific. **SEN. TASH** asked what HB 465 would prevent if passed. **Doug Monger** responded that it will prohibit projects such as Plenty Coup, Pictograph Cave, Westshore State Park, Echo Lake, etc.

SEN. BARKUS asked why this bill was brought forward. **Doug Monger** said that it is an anti-shower bill.

SEN. BARKUS inquired about the fish cleaning stations. **Doug Monger** explained that FWP can use their money for those stations.

SEN. TROPILA had a question regarding the shower installation and boat ramps. **Doug Monger** responded.

{Tape: 1, HB 465; Side: B; Approx. Time Counter: 7.5 - 23.7}

SEN. TROPILA wondered if there is an on-site manager at Hell Creek and what the cycle of investigation is. **Doug Monger** replied that there is not an on-site manager, but the caretaker is stationed 6-7 months a year and full-time during the summer. He stated that he is concerned and embarrassed by the photos in Exhibit 2, but explained the frustrations with the caretakers.

SEN. TROPILA inquired about the opportunity to form a state park in Region 6. **Doug Monger** stated that this bill would restrict them from acquiring extra lands to develop new parks.

SEN. TROPILA expressed interest in weed control, and asked if there would be another way to fund it. **REP. CLARK** responded.

{Tape: 1; Side: B; Approx. Time Counter: 23.7 - 36.2}

Closing by Sponsor:

REP. CLARK closed on HB 465, and urged the Committee's support.

HEARING ON HB 407

Sponsor: **REP. GAIL GUTSCHE, HD 66, Missoula**

Opening Statement by Sponsor:

REP. GUTSCHE stated that HB 407 has one purpose: to return the parks and fishing access sites to Montanans. She said it has to do with access (entrance) fees only. This bill would allow Montanans to enter without paying a fee to enter, since they pay the taxes to take care of the parks.

EXHIBIT (fis57a05)

{Tape: 1, HB 407; Side: A; Approx. Time Counter: 0 - 4.5}

Proponents' Testimony:

Peggy Beltrone, Cascade County Commissioner, shared the example of how the troop trains stopped at Giant Springs 20 years ago. Now, there are not as many visitors. The fee has deterred many poor Montanans from visiting their own state parks.

Wayne Hirst, Montana State Parks Foundation, Libby, said that access fees started in 1989 and the parks were larger and in need of money. He said that a lot of the parks system deals with the collection of the fees. He went over his written testimony and

handouts (Exhibit 6). He stated that FWP can afford the fee cut and discussed Exhibit 7 from the State Parks Futures Committee.

EXHIBIT(fis57a06)

EXHIBIT(fis57a07)

{Tape: 1, HB 407; Side: A; Approx. Time Counter: 4.5 - 15.5}

Bob Raney, Montana State Parks Foundation, Livingston, submitted an editorial from the Great Falls Tribune and discussed his support of HB 407.

EXHIBIT(fis57a08)

Opponents' Testimony:

Doug Monger, Administrator, Parks Division, FWP, read his written testimony and a letter from Trent Baker, opposing HB 407.

EXHIBIT(fis57a09)

EXHIBIT(fis57a10)

{Tape: 1, HB 407; Side: A; Approx. Time Counter: 16 - 21.5}

Hank Goetz read his written testimony in opposition to HB 407.

EXHIBIT(fis57a11)

Sue Dalby, Helena resident, stated that the \$30 Park Passport is affordable and that user fees are not unusual in other states.

Robin Cunningham said that he is willing to pay for a site's operation and maintenance by paying an entrance fee; it should not all be left to nonresidents.

Stilford Spindler stated his opposition to HB 407.

{Tape: 1, HB 407; Side: A; Approx. Time Counter: 21.5 - 27}

Informational Testimony:

Bob Raney explained that he just received Exhibit 12 from the Legislative Fiscal Analyst, Roger Boyd. It includes three pages showing the appropriations for FWP in HB 5.

EXHIBIT(fis57a12)

{Tape: 1, HB 407; Side: A; Approx. Time Counter: 27 - 29}

Questions from Committee Members and Responses:

SEN. SPRAGUE asked where funding came from to make the improvements on Giant Springs. **Peggy Beltrone** responded that the funding comes from the access fees.

SEN. SPRAGUE inquired if Ms. Beltrone is familiar with SB 336. **Peggy Beltrone** stated that she is not familiar with it.

SEN. TASH had a question regarding the increased appropriation for FWP. **Doug Monger** stated that the figures presented by Bob Raney are a surprise to him as well. **Bob Raney** explained that they are federal and state special revenue funds for the biennium.

{Tape: 1, HB 407; Side: B; Approx. Time Counter: 0 - 5.4}

SEN. McGEE asked for another word for a fee. **Bob Raney** stated that it is a tax. **SEN. McGEE** asked how many tax dollars Montanans have paid to have state parks. **Bob Raney** explained how it varies. He said that Montanans' money goes into 17 accounts.

SEN. McGEE asked when he came into the legislature. **Bob Raney** replied that it was 1985. **SEN. McGEE** asked how long he had served in Fish and Game committees. **Bob Raney** responded 14 years. **SEN. McGEE** asked how much the legislature paid for parks in that amount of time. **Bob Raney** said that now, about \$6 million is spent on parks per year, and \$1.5 million is spent on fishing access sites.

SEN. McGEE estimated that it adds to about \$70 million in the 14 years.

SEN. SPRAGUE asked if Bob Raney ever sponsored this bill when he was in the legislature. **Bob Raney** responded that it was their goal in 1983 to free the parks.

SEN. SPRAGUE had a question regarding the number of access sites. **Dave Monger** said that they went from 260 in 1988 to 320 presently.

SEN. BARKUS inquired about the municipal golf course or swimming pool. **Peggy Beltrone** replied.

SEN. SCHMIDT asked about the history of entrance fees. **Doug Monger** responded.

SEN. SPRAGUE wondered if user fees are considered taxes. **Mary Vandenbosch** answered that is a political question.

{Tape: 1, HB 407; Side: B; Approx. Time Counter: 5.4 - 14.3}

SEN. BALES asked if there was another way to get funds for parks maintenance. **Doug Monger** explained that there are about 18 funding sources, including day-use fees, a percentage of the coal tax, and 30% comes from fees.

SEN. BALES asked if the 30% from fees has been consistent over time. **Doug Monger** stated that number is going up. **SEN. BALES** inquired about the amount of entrance fees collected from residents. **Doug Monger** explained that \$600,000 was collected in entrance fees; \$475,000 of which was from Montanans.

SEN. TROPILA wondered what the vote was in the House on this bill. **REP. GUTSCHE** said it was 66-34, nonpartisan vote.

SEN. TASH asked Doug Monger to explain the figures in HB 5. **Mr. Monger** stated that the dollars are down from what they were in the past.

{Tape: 1, HB 407; Side: B; Approx. Time Counter: 14.3 - 21}

CHAIRMAN SPRAGUE requested that **SEN. TASH** meet with the LFA people to provide more clarification regarding Exhibit 12.

Closing by Sponsor:

REP. GUTSCHE reviewed the exhibit she distributed regarding the funding sources, and responded to comments made by the opponents. She closed on HB 407.

{Tape: 1, HB 407; Side: B; Approx. Time Counter: 21 - 25}

{Tape: 2, HB 407; Side: A; Approx. Time Counter: 0 - 3.5}

HEARING ON HB 129

Sponsor: **REP. GAIL GUTSCHE, HD 66, Missoula**

Opening Statement by Sponsor:

REP. GUTSCHE stated that this is a simple bill to extend the authority to spend funds that have been previously appropriated to the Cutthroat and Bull Trout Enhancement Program. The bill gives the Department more time to complete these programs.

Proponents' Testimony:

Larry Peterman, Chief of Field Operations, Montana Fish, Wildlife & Parks, read his written testimony.

EXHIBIT(fis57a13)

Sarah McCullough, Montana Audubon, added their support for HB 129.

Robin Cunningham, Fishing Outfitters' Association, also supports HB 129.

Stan Bradshaw, Montana Tribal Leaders, member of Big Blackfoot Chapter, expressed their support of HB 129.

Hank Goetz, Blackfoot River Valley, strongly supports this bill.

{Tape: 1, HB 129; Side: A; Approx. Time Counter: 0 - 6.2}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. TASH asked for an example of how these funds are used. **Larry Peterman** referred to the future fisheries report and explained that the funding provides for flow enhancement, diversion repair, fish barriers, riparian fencing, etc.

SEN. TASH asked if there were any projects in the Big Hole area. **Larry Peterman** said that it has been funded from other sources.

SEN. BARKUS asked Larry Peterman to explain the other programs and inquired about other bills regarding the same issues. **Larry Peterman** explained that normally funding is through HB 5, but this is a capital budget issue.

SEN. BARKUS inquired if the funds were provided by fishermen's licenses. **Larry Peterman** said that this money comes from the general license account.

Closing by Sponsor:

REP. GUTSCHE closed on HB 129.

{Tape: 1, HB 129; Side: A; Approx. Time Counter: 6.2 - 12.1}

EXECUTIVE ACTION ON HB 129

Motion/Vote: SEN. SHEA moved that HB 129 BE CONCURRED IN.

Motion carried 8-2 with SENS. McGEE and BARKUS voting no by voice vote.

SEN. KEN HANSEN will carry the bill on the Senate floor.

{Tape: 1, HB 129; Side: A; Approx. Time Counter: 12.1 - 13.6}

EXECUTIVE ACTION ON HB 63

Motion/Vote: SEN. SHEA moved that HB 63 BE CONCURRED IN. Motion carried unanimously, 9-0 by voice vote.

SEN. BARKUS will carry this bill on the Senate floor.

{Tape: 1, HB 129; Side: A; Approx. Time Counter: 13.6 - 16}

EXECUTIVE ACTION ON HB 157

Motion: SEN. TROPILA moved that HB 157 BE CONCURRED IN.

Motion: SEN. TROPILA moved that HB 157 BE AMENDED.

Discussion:

Mary Vandenbosch, Legislative Branch, distributed and explained the amendment to HB 157.

EXHIBIT(fis57a14)

SEN. BARKUS asked if members of the opposite sex purchase the sportsmen license. Chris Smith replied that they do.

Vote: Motion carried unanimously by voice vote.

Motion: SEN. BALES moved that HB 157 BE CONCURRED IN AS AMENDED.

Discussion:

SEN. BALES asked if the money has been earmarked before. Chris Smith answered that it is simply moving it from a section that has been repealed and putting it in elsewhere.

Vote: Motion carried unanimously by voice vote.

SEN. HANSEN will carry the bill on the Senate floor.

{Tape: 1, HB 129; Side: A; Approx. Time Counter: 16 - 26.1}

EXECUTIVE ACTION ON HB 99

CHAIRMAN SPRAGUE explained that he spoke with former **SEN. BECK**, who didn't offer any amendments or suggestions.

Motion: **SEN. BARKUS** moved that HB 99 BE INDEFINITELY POSTPONED.

Discussion:

SEN. BARKUS explained that he opposes the bill because it is proven that a cap is not needed. Ever since 1999, bills have been put forth to restrict out-of-state bird licenses.

{Tape: 1, HB 129; Side: A; Approx. Time Counter: 24 - 28.9}

SEN. BARKUS said that this is a big deal for small communities who rely on nonresidents to support their economy. He said that many hunters go to North Dakota so they can hunt together, and put a lot of tourism money into the economy.

SEN. SCHMIDT asked why the sponsor said that the bill is for the residents. **SEN. BARKUS** explained the misconception that if restrictions are passed, Montana landowners will open their lands to resident hunters. He said that this is opposite of what will happen.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3}

SEN. SPRAGUE asked about the supply and demand of the birds for limitation. **SEN. BARKUS** said that the Upland Bird Enhancement is planting more birds, and if there is no support by the farmers, the birds will die. He stated that this bill sends a signal to nonresident hunters.

SEN. BALES added that it appears they are "taking a sledgehammer to fix a problem that doesn't exist."

Vote: Motion carried 6-4 with **SENS. SPRAGUE, McGEE, TROPILA, and SCHMIDT** voting no.

{Tape: 1, HB 129; Side: B; Approx. Time Counter: 3 - 9.8}

Mary Vandebosch, Legislative Branch, discussed that HB 407 conflicts with or duplicates SB 82 and SB 336, as shown on the exhibit.

EXHIBIT(fis57a15)

{Tape: 1, HB 129; Side: B; Approx. Time Counter: 9.8 - 11.6}

ADJOURNMENT

Adjournment: 6:00 P.M.

SEN. MIKE SPRAGUE, Chairman

REBECCA SATTLER, Transcriptionist

MS/RS

EXHIBIT (fis57aad)